

REMARKS**I. Introductory Remarks.**

5 The Applicants hereby thank the Examiner for the observations in the outstanding Office Action. Method Claims 1-20 are non-elected and are withdrawn from consideration. Device Claims 21-22 are pending and are herein amended to better encompass the full scope and breadth of the present invention, notwithstanding the Applicants' belief that the claims would have been allowable as originally filed. Accordingly, the Applicants respectfully assert that no claims
10 have been narrowed within the meaning of *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.* (Fed.Cir. November 29, 2000). Therefore, reconsideration of the present application in light of the foregoing amendment and these remarks is respectfully requested.

II. Rejection of Claim 21 under 35 U.S.C. § 102(b).

15 Claim 21 has been rejected, under 35 U.S.C. § 102(b), as being anticipated by Yu et al (US 6004883). The Applicants hereby respectfully traverse this ground for rejection on this basis. Independent device Claim 21 is herein amended for informalities and by inserting the language "whereby the via hole comprises an aspect ratio which is greater than 1" which is
20 fully supported by the originally filed Specification (renumbered Paras. 30, 34, and 36).

Addressing the cited art and as conceded by the Examiner, Yu merely teaches a typical prior art method for fabricating a dual damascene patterned conductor. Nowhere does Yu disclose forming a via nor a via hole comprising an aspect ratio which is greater than 1. In contrast, the present invention process results in a product which comprises a via hole having the presently claimed distinctive structural feature, i.e., *an aspect ratio which is greater than 1*. This result is achieved by the prescribed method of the present invention. Yu's method would not result in the claimed via hole nor the corresponding claimed via structure.
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Thus, the Applicants respectfully submit that Yu does not teach the limitations of herein amended Claim 21 which is believed to overcome this ground for rejection. Therefore, the
30 Applicants respectfully request that this ground for rejection on this basis be withdrawn and that Claim 21 be passed to allowance.

III. Rejection of Claim 22 under 35 U.S.C. § 102(b).

Claim 22 has been rejected, under 35 U.S.C. § 102(b), as being anticipated by Schuck III et al (US 5868951). The Applicants hereby respectfully traverse this ground for rejection on this basis. Independent device Claim 22 is herein amended for informalities and by inserting the language “whereby the via-opening comprises an aspect ratio which is greater than 1 which is fully supported by the originally filed Specification (renumbered Paras. 30, 34, and 36).

Addressing the cited art and as conceded by the Examiner, Schuck merely teaches a typical prior art method for fabricating an electro-optical device. Nowhere does Schuck disclose forming a via-opening nor a via comprising an aspect ratio which is greater than 1. In contrast, the present invention process results in a product which comprises a via opening having the presently claimed distinctive structural feature, i.e., *an aspect ratio which is greater than 1*. This result is achieved by the prescribed method of the present invention. Schuck’s method would not result in the claimed via opening nor the corresponding claimed via structure.

Thus, the Applicants respectfully submit that Schuck does not teach the limitations of herein amended Claim 22 which is believed to overcome this ground for rejection. Therefore, the Applicants respectfully request that this ground for rejection on this basis be withdrawn and that Claim 22 be passed to allowance.

CONCLUSION

Accordingly, the method Claims 1-20 are non-elected and are withdrawn from consideration; and the device Claims 21-22 are pending and are herein amended to better encompass the full scope and breadth of the present invention, notwithstanding the Applicants' belief that the claims would have been allowable as originally filed. Accordingly, the Applicants respectfully reassert that no claims have been narrowed within the meaning of *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.* (Fed.Cir. November 29, 2000). Therefore, reconsideration of the present application in light of the foregoing amendment and these remarks is respectfully requested. The Examiner is further cordially invited to telephone the undersigned for any reason which would advance pending claims to allowance.

Respectfully submitted,



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